

Officials study implications of Supreme Court ruling on military tribunals in GTMO

By Donna Miles, American Forces Press Service

The Supreme Court's decision on June 29 specifically invites the administration to work with Congress to change the law so it can try some detainees through military tribunals, said senior officials from the Departments of Justice and Defense.

The Supreme Court ruled 5-3 last week that military commissions for detainees charged with war crimes would violate the Uniform Code of Military Justice as well as four Geneva Conventions.

While ruling against military tribunals for detainees at Guantanamo Bay, Cuba, as they currently stand, the court's decision notes that "nothing prevents the administration from going to Congress to seek the authorities it feels are necessary," an official told reporters via teleconference.

In fact, Justice Stephen Breyer offered "an implicit invitation" encouraging the administration to do so, he noted.

President Bush said he would explore this option in hopes of determining a way forward. Defense and Justice officials called the Supreme

Court ruling "a very significant decision" and said they are studying it to assess its full implications.

"The Supreme Court has spoken," an official said. "We are carefully reviewing that decision."

In the meantime, "all options are on the table" regarding the next course of action, an official said.

The June 29 decision directly affects only 14 detainees at Guantanamo Bay. Ten of them were already facing commissions on charges of violating the laws of war.

Charges had been prepared for another four detainees, but they had not yet been arraigned, a defense official said.

However, officials said today the decision could ultimately affect 40 to 80 detainees who are expected to be charged in the future.

Nothing in the decision takes issue with the detention of some 450 prisoners at Guantanamo Bay, officials emphasized. "The court recognizes that this is a unique conflict against a unique enemy and in fact a dangerous one," an official said.



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"The court was not questioning" the right to detain these enemy combatants during hostilities, he said. White House Press Secretary Tony Snow issued a similar sentiment during today's White House briefing. "Nobody gets a 'get out of jail free card,'" he said of the decision.

Snow acknowledged that the war on terror poses new considerations. "This is a different kind of war and I think it creates a different kind of legal atmosphere," he said.

Today's decision was based on the case *Hamdan v. Rumsfeld*, filed on behalf of

Salim Ahmed Hamdan.

A former driver and bodyguard for al Qaeda leader Osama bin Laden, Hamdan was picked up in Afghanistan in late 2001 and turned over to U.S. officials. He has been detained at Guantanamo Bay since 2002.

Hamdan challenged the legality of the U.S. government trying him for alleged war crimes before a military commission under a presidential order.

Hamdan argued that he was entitled to a court-martial convened under the U.S. Code of Military Justice or a civilian trial before a federal judge.

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